

Serial No. 10/747,746
60130-1623**REMARKS**

Applicant has amended the specification to correct several minor informalities. The drawings and specification were objected to as not providing support for a spring that biases first and second pivots away from each other. Applicant has amended claim 3 to comply with the requirement of 35 U.S.C. §112. Accordingly, the objections to the drawings and the specification are overcome.

Claims 1, 5, 28, 29 and 31 were rejected as being anticipated by Evans (U.S. 5,921,354). Further, claims 1, 2, 5, 28, 29 and 31 were rejected as being anticipated by Adams (U.S. 3,318,420).

Amended claim 1 requires a first arm pivotally attached about a first pivot axis and that the first arm is engageable to a rotatable brake member on an opposite side of a plane of rotation from the first pivot axis, and that a second arm is pivotally attached about a second pivot axis with that second arm engageable to the rotatable brake member on an opposite side of the plane of rotation from the second pivot axis.

Amended claim 28 requires the step of supporting a first brake pad about a first pivot axis and a second brake pad about a second pivot axis where the first brake pad is engageable to a rotatable brake member on a side of the rotatable brake member opposite the first pivot axis, and the second brake pad is engagable to the rotatable brake member on a side of the rotatable brake member opposite the second pivot axis.

In Evans, the pivots (82) for each of the arms (44,42) are disposed on the same side as the pivots (pins disposed within blocks 82 in Figure 6) that it supports and therefore cannot meet the limitations of claims 1 and 28. Further, claim 1 requires an adjustable member for adjusting a distance between pivots. Evans includes blocks (82) that move about fixed pivots (Figure 10). The pivots do not move, and the blocks (82) simply rotate about the fixed pivots. Figure 10 in Evans includes the distances D2 and D1, these are simply the change in distance between the rotating blocks, not a change in distance between pivot axes as is required by claims 1 and 28. For these reasons, Evans cannot anticipate claims 1 and 28.

Serial No. 10/747,746
60130-1623

In Adams, the pivots (45,46) are disposed on the same side as the arm (12, 13) that it supports. Therefore Adams cannot meet the limitations in claim 1 requiring a first arm engageable to a rotatable brake member on an opposite side of the plane of rotation from the first pivot axis, and a second arm engageable to the rotatable brake member on an opposite side of a plane of rotation from the second pivot axis. Further, Adams cannot meet the limitation of claim 28 that requires a first brake pad is engageable to a rotatable brake member on a side of the rotatable brake member opposite the first pivot axis, and that the second brake pad is engageable to the rotatable brake member on a side of the rotatable brake member opposite the second pivot axis.

Further, claim 2 requires a biasing member disposed between the first and second arms to bias the first and second pivots toward each other. Adams discloses pins (45,46) that are biased apart by a spring (50) (Col 3, lines 45-50). Accordingly, Adams does not disclose the limitations required by claim 2.

Claims 1,4,5,28,29, and 31 were rejected as being obvious over Butler et al. (U.S. 3,109,517) in view of ordinary skill in the art. Butler et al. includes pivots (33) supporting arms (12) that are on a side common to the side at which the arm engages the rotating brake member (10). Accordingly, Butler et al. does not disclose or suggest the features of claims 1 and 28.

All objections and rejections have been addressed and the claims are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

08/30/2005 TUE 13:58 FAX 12489888363 Carlson, Gaskey & Olds

012/012

Serial No. 10/747,746
60130-1623

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



John M. Siragusa
Registration No. 46,174
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: August 30, 2005